

ABSTRACT

The subject of this thesis is equal access to education in the Czech Republic and Germany. Education in its ideal form should help eliminate social differences, since social background, race or nationality do not directly influence one's ability to learn. Although this idea is reflected in several international conventions that both countries are bound by, the reality is very different. The thesis first deals with the right to education as such, its significance and its international guarantees, as well as with the principle of equality. In the following chapter, the author analyses significant case law concerning the right to education of the European Court of Human Rights and the European Court of Justice. The following chapter analyses access to education of persons with disabilities in both countries and compares the situation with international guarantees, in particular with provisions of the Convention on the Rights of Persons with Disabilities. The main focus of this thesis lays on the access to education of minorities – the Roma in the Czech Republic and immigrants in Germany. The author assesses the situation of the Roma from a European perspective and analyses significant case law of domestic and international courts. The Czech Republic is not alone in its inability to successfully educate the Roma, although it was the first country to receive harsh criticism from the European Court of Human Rights in the case of *D. H and Others*, where the Court found the Czech Republic guilty of *de facto* discrimination of the Roma students. Several European countries have very similar problems and solutions are extremely difficult to be found. The following chapter deals with education of immigrants in Germany and analyses two main problems which prevent equal access to education, space segregation of immigrant students in all levels of education and early progress to secondary schools level I. Therefore, educational career of a student is more or less decided after fourth grade. The last chapter describes the concept of inclusive education.